

## **ATTACHMENT 1**

Objections to Subpoenas (Updated 8/6/13)

Objector	Neurosurgical Group of Chattanooga	St. Thomas Outpatient Neurosurgical Center	Specialty Surgery Center, PLLC	Howell Allen Clinic, PLLC	Dr. Donald Jones	Liberty Industries, Inc. & Mot. in Support thereof	Southeast Michigan Surgial Hospital	Michigan Pain Specialists	Thorek Memorial Hospital	Erlanger Health Systems, Inc.	High Point Surgery Center	Premier Orthopedic and Sports Medicine Associates of Southern NJ, LLC, Premier Orthopedic Associates Surgical Center, LLC, Kimberly Yvette Smith, MD	Baltimore Pain Management Center
Docket Entry #	218 & 307	219 & 305	220 & 308	221 & 304	222 & 306	231 & 232	236, 289 & 356	241 & 347	244	246, 247, 248, 256	365 & 366	252, 291 & 357	254
State	TN	TN	TN	TN	TN	CT	MI	MI	IL	TN	NC	NJ	MD
I. BURDEN (i.e., time, expense, and scope) OBJECTIONS													
A. The request for production of documents is overly broad and unduly burdensome.	X	X	X	X	X	X	X	X	X	X	X		
B. The requested documents are not relevant and/or not reasonably calculated to lead to the discovery of admissable evidence.	X	X	X	X	X	X	X	X	X	X	X		X
C. The time periods for which documents are requested are unreasonable.													
D. The subpoena calls for the production of documents properly attainable by plaintiffs from public sources (CDC, FDA).											X		
Many of the documents sought by the subpoena are more appropiatly sought from NECC, thus reducing the burden and expense on the clinics.													

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Objector	Carilion Surgery Center New River Valley	North Carolina Orthopedic Clinic	HCA Health Services of Tennessee (Centennial Medical Center)	Surgical Park Center, Ltd.	Martin Kelvas	The South Bend Clinic, LLP	Inspira Health Network, Inc. and Inspira Medical Centers, Inc. (formerly known as South Jersey Health System, Inc. and South Jersey Hospital, Inc.)	Surgery Center of Wilson, LLC	Forsyth Street Ambulatory Surgery Center, LLC	Neuromuscular and Rehabilitation Associates of Northern Michigan	Rochester Brain and Spine Neurosurgery & Pain
Docket Entry #	257	259	260	261	266	269 & 270	273 & 351	275 & 318	279 & 361	288 & 348	314, 358, 359 & 360
State	VA	NC	TN	FL	GA	IN	NJ	NC	GA	MI	
<b>I. BURDEN (i.e., time, expense, and scope) OBJECTIONS</b>											
A. The request for production of documents is overly broad and unduly burdensome.			X	X		X	X	X			X
B. The requested documents are not relevant and/or not reasonably calculated to lead to the discovery of admissible evidence.	X	X	X	X	X	X	X	X		X	X
C. The time periods for which documents are requested are unreasonable.			X	X							
D. The subpoena calls for the production of documents properly attainable by plaintiffs from public sources (CDC, FDA).			X	X							X
Many of the documents sought by the subpoena are more appropriately sought from NECC, thus reducing the burden and expense on the clinics.						X					X

## Objections to Subpoenas (Updated 8/6/13)

Objector	Insight Health Corp.	Pain Associates of Charleston	Dr. O'Connell's Pain Care Center	Greenspring Surgery Center	Pain Consultants of West Florida	Ukiah Valley Medical Center	Interventional Spine & Sports Medicine, PC	Encino Outpatient Surgery Center, LLC	Harford County Ambulatory Surgery Center, LLC	Allegheny Pain Management, P.C.	Sahara Outpatient Surgery Center, Ltd.
Docket Entry #	300	372	311 & 353	303	317 & 355		354	338 & 339	342	334	368
State											
<b>I. BURDEN (i.e., time, expense, and scope) OBJECTIONS</b>											
A. The request for production of documents is overly broad and unduly burdensome.	X	X	X		X	X	X	X		X	X
B. The requested documents are not relevant and/or not reasonably calculated to lead to the discovery of admissible evidence.		X	X		X	X	X	X		X	X
C. The time periods for which documents are requested are unreasonable.											X
D. The subpoena calls for the production of documents properly attainable by plaintiffs from public sources (CDC, FDA).		X			X		X			X	X
Many of the documents sought by the subpoena are more appropriately sought from NECC, thus reducing the burden and expense on the clinics.					X						

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<b>II. JURISDICTIONAL AND PROCEDURAL OBJECTIONS</b>													
E. This court does not have jurisdiction to enforce the subpoena.									X	X			
F. The clinic is not a party to any litigation and/or has no injured patients.							X	X		X	X		X
G. The subpoena imposes burdens other than or beyond those imposed by the Order on Central Enforcement and the Qualified Protected Order.	X	X	X	X	X			X		X	X	X	X
H. The subpoena calls for the production of documents protected from disclosure as reflective of attorney-client communications and/or attorney work product.	X	X	X	X	X	X	X	X	X		X		X
I. The PSC failed to provide the fee for one day's attendance as required by Rule 45(b)(1).	X	X	X	X	X		X	X	X	X			
J. Clinics that are parties should have been served a request for production pursuant to Rule 34 rather than a subpoena pursuant to Rule 45.												X	
K. The subpoena was improperly served via Federal Express.								X				X	
L. The subpoena calls for the production of documents outside the clinic's possession, custody or control.													

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<b>II. JURISDICTIONAL AND PROCEDURAL OBJECTIONS</b>											
E. This court does not have jurisdiction to enforce the subpoena.					X		X				X
F. The clinic is not a party to any litigation and/or has no injured patients.			X	X				X		X	X
G. The subpoena imposes burdens other than or beyond those imposed by the Order on Central Enforcement and the Qualified Protected Order.	X	X	X	X	X	X	X	X		X	X
H. The subpoena calls for the production of documents protected from disclosure as reflective of attorney-client communications and/or attorney work product.	X		X	X	X	X	X	X		X	X
I. The PSC failed to provide the fee for one day's attendance as required by Rule 45(b)(1).		X	X	X	X	X		X			X
J. Clinics that are parties should have been served a request for production pursuant to Rule 34 rather than a subpoena pursuant to Rule 45.											
K. The subpoena was improperly served via Federal Express.											X
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F. The clinic is not a party to any litigation and/or has no injured patients.						X	X				X
G. The subpoena imposes burdens other than or beyond those imposed by the Order on Central Enforcement and the Qualified Protected Order.	X	X	X	X	X		X	X		X	X
H. The subpoena calls for the production of documents protected from disclosure as reflective of attorney-client communications and/or attorney work product.		X				X	X			X	
I. The PSC failed to provide the fee for one day's attendance as required by Rule 45(b)(1).		X		X	X		X			X	
J. Clinics that are parties should have been served a request for production pursuant to Rule 34 rather than a subpoena pursuant to Rule 45.											
K. The subpoena was improperly served via Federal Express.		X		X			X			X	
L. The subpoena calls for the production of documents outside the clinic's possession, custody or control.		X					X				X

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M. The subpoena provided only 21 or 30 days to respond, which is not a reasonable amount of time.	X	X	X	X	X			X			X	X	
N. Rule 45(b)(1) requires that subpoenas be served on each party to the MDL. Comments to the Rule say that parties should have given notice before service of the subpoenas on third parties.													

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M. The subpoena provided only 21 or 30 days to respond, which is not a reasonable amount of time.		X					X	X		X	X
N. Rule 45(b)(1) requires that subpoenas be served on each party to the MDL. Comments to the Rule say that parties should have given notice before service of the subpoenas on third parties.					X		X		X	X	

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M. The subpoena provided only 21 or 30 days to respond, which is not a reasonable amount of time.	X	X	X		X		X	X		X	X
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III. CONFIDENTIALITY OBJECTIONS													
O. The subpoena calls for the production of confidential or proprietary business information.	X	X	X	X	X				X		X		
P. The subpoena calls for the production of documents protected from disclosure under the doctor-patient privilege, and/or the production of which would violate the requirements of HIPAA and its related regulations.							X	X	X	X	X	X	

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IV. MOTIVE OBJECTIONS													
Q. The PSC's subpoenas are thinly-veiled attempts to identify new clients.										X			

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